

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

City of Detroit, Michigan,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

Order Modifying the Automatic Stay to Allow
Administrative Law Judge to Execute His Opinion

Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO, (“AFSCME”) filed a “Motion for Entry of an Order Modifying the Automatic Stay Solely to Allow Administrative Law Judge to Execute His Opinion and Liquidate Damage Award Before He Retires on October 4, 2013.” AFSCME requested an expedited hearing on this matter, which the Court granted. The City of Detroit filed an objection to the motion and a brief. The Court heard oral argument on October 2, 2013. For the reasons stated on the record, it is ordered that:

1. The Motion is granted as set forth herein.
2. The automatic stay is hereby modified through 11:59 p.m. on October 4, 2013, to permit administrative law judge Doyle O’Connor to execute his recommended decision in connection with the unfair labor practice charge (the “ULP”) filed by AFSCME against the Debtor (Case Number C12-E-092, Docket Number 12-000777). However, if the ALJ feels that any additional process is necessary or appropriate due to post-hearing briefs or events, or for any other reason, relief from the stay is not granted to allow for any such further process. In the event that the City determines that its procedural or substantive rights have been prejudiced by any action of the ALJ that

results from this order or otherwise, those objections are fully preserved. The parties have agreed on the record and the Court orders that all deadlines for any party to act under state law that would otherwise result from any opinion or recommendation issued by the ALJ are tolled indefinitely pending further order of the Court. In this order, the Court neither requests nor orders the ALJ to issue a recommendation; whether to do so is his decision under law.

3. The provisions of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure are waived for purposes of the relief granted in this order.

Signed on October 02, 2013

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge